

भारत का राजपत्र The Gazette of India

प्रसाधारण
EXTRAORDINARY

भाग II—खण्ड 1
PART II—Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 127]

नई दिल्ली, सोमवार, अगस्त 30, 1976/भाद्र 8, 1898

No. 127]

NEW DELHI, MONDAY, AUGUST 30, 1976/BHADRA 8, 1898

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (Legislative Department)

New Delhi, the 30th August, 1976/Bhadra 8, 1898 (Saka)

The following President's Act is published for general information:—

THE TAMIL NADU CULTIVATING TENANTS (PROTECTION FROM EVICTION) ACT, 1976

No. 36 of 1976

Enacted by the President in the Twenty-seventh Year of the Republic of India.

An Act to provide for the protection from eviction of cultivating tenants who are in arrears with respect to the rent payable to the landlords.

41 of 1976. In exercise of the powers conferred by section 3 of the Tamil Nadu State Legislature (Delegation of Powers) Act, 1976, the President is pleased to enact as follows:—

1. (1) This Act may be called the Tamil Nadu Cultivating Tenants (Protection from Eviction) Act, 1976.

(2) It extends to the whole of the State of Tamil Nadu.

(3) It shall be deemed to have come into force on the 16th day of January, 1975 and shall remain in force up to and inclusive of the 15th day of January, 1977.

Tamil
Nadu Act
I of 1891.

(4) Upon the expiry of this Act, the provisions of section 8 of the Tamil Nadu General Clauses Act, 1891, shall apply as if this Act had then been repealed by a Tamil Nadu Act.

2. In this Act, unless the context otherwise requires,—

(a) "cultivating tenant" means—

(i) a cultivating tenant as defined in clause (aa) of section 2 of the Tenants Protection Act; or

Short
title, ex-
tent,
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mence-
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duration.

Defini-
tions.

(ii) a cultivating tenant as defined in clause (5) of section 2 of the Public Trusts Act;

(b) "Public Trusts Act" means the Tamil Nadu Public Trusts (Regulation of Administration of Agricultural Lands) Act, 1961;

Tamil
Nadu Act
57 of 1961.

(c) "Tenants Protection Act" means the Tamil Nadu Cultivating Tenants Protection Act, 1955;

Tamil
Nadu Act
XXV of
1955.

(d) words and expressions used and not defined in this Act but defined in the Tenants Protection Act or in the Public Trusts Act shall have the meanings respectively assigned to them in the Tenants Protection Act or in the Public Trusts Act, as the case may be.

Cultivating tenant not to be evicted on the ground that he is in arrear.

3. During the continuance of this Act,—

(i) no application under the Tenants Protection Act or under Chapter III of the Public Trusts Act shall be made by or at the instance of a landlord or a public trust for the eviction of a cultivating tenant from his holding or any part thereof on the ground that the cultivating tenant is in arrear with respect to the rent payable to the landlord or to the public trust, as the case may be;

(ii) no cultivating tenant shall be evicted from his holding or any part thereof by or at the instance of the landlord or the public trust concerned, whether in execution of a decree or order of a court or otherwise on the ground that the cultivating tenant is in arrear with respect to the rent payable to the landlord or to the public trust, as the case may be.

Stay of applications and suits for eviction of a cultivating tenant.

4. (a) All applications under the Tenants Protection Act or under Chapter III of the Public Trusts Act; and

(b) all suits, proceedings in execution of decrees or orders and other proceedings,

for the eviction of a cultivating tenant on the ground that he is in arrear with respect to the rent payable to the landlord or to the public trust, as the case may be, and pending before a Revenue Divisional Officer, an authorised officer, a court or other authority, as the case may be, shall stand stayed.

Exclusion of time for limitation.

5. In computing the period of limitation or limit of time prescribed for a suit or an application for the eviction of a cultivating tenant or an application for the execution of a decree or order for such eviction, the time during which he was protected by sections 3 and 4 from eviction shall be excluded.

Explanation.—A decree or order shall be deemed to be a decree or order for the eviction of a cultivating tenant, notwithstanding that any other relief is also granted by such decree or order.

6. All applications for the eviction of a cultivating tenant under the Tenants Protection Act or under Chapter III of the Public Trusts Act, as the case may be, and all suits and proceedings stayed under this Act, shall, after the expiration of this Act, be proceeded with subject to the provisions of any law which may then be in force, from the stage which had been reached when the application, suit or proceeding was stayed.

Continu-
ance of
applica-
tions and
suits and
proceed-
ings after
the ex-
piration
of the
Act.

7. (1) Any cultivating tenant who had been evicted from any land on or after the 16th day of January, 1975, but before the date of the publication of this Act in the *Tamil Nadu Government Gazette*, on the ground that such cultivating tenant was in arrear with respect to the rent payable to the landlord or the public trust, as the case may be, shall, on application to the Revenue Divisional Officer within a period of three months after the date of such publication, be entitled to be restored to possession of such land and to hold it with all the rights and subject to all the liabilities of a cultivating tenant under the Tenants Protection Act or under the Public Trusts Act, as the case may be:

Right
to res-
toration
of posses-
sion of
evicted
cultivat-
ing ten-
ants.

Provided that the application may be received after the period of three months aforesaid, but before the expiry of this Act, if the applicant satisfies the Revenue Divisional Officer that he had sufficient cause for not making the application within the said period of three months.

(2) The provisions of sub-section (4) of section 4 of the Tenants Protection Act or, as the case may be, sub-section (2) of section 20 of the Public Trusts Act shall, so far as may be, apply to applications under sub-section (1).

8. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in the Tenants Protection Act, the Public Trusts Act, the Tamil Nadu Indebted Agriculturists (Temporary Relief) Act, 1976 or in any other law for the time being in force, or any custom, usage or contract, or decree or order of a court or other authority.

Act to
override
other
laws,
contract,
etc.

Presi-
dent's
Act 15 of
1976.

FAKHRUDDIN ALI AHMED,

President.

K. K. SUNDARAM,

Secy. to the Govt. of India.



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MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (Legislative Department)

New Delhi, the 1st September, 1976/Bhadra 10, 1898 (Saka)

The following Act of Parliament received the assent of the President on the 31st August, 1976, and is hereby published for general information:—

THE GOVERNMENT OF UNION TERRITORIES (AMENDMENT) ACT, 1976 No. 86 OF 1976

[31st August, 1976]

An Act further to amend the Government of Union Territories Act, 1963.

BE it enacted by Parliament in the Twenty-seventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Government of Union Territories (Amendment) Act, 1976.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In section 3 of the Government of Union Territories Act, 1963 (hereinafter referred to as the principal Act),—

(i) for sub-section (4), the following sub-section shall be substituted, namely:—

“(4) Seats shall be reserved for the Scheduled Castes in the Legislative Assemblies of the Union territories of Goa, Daman and Diu and Pondicherry, and for the Scheduled Tribes in the Legislative Assembly of the Union territory of Goa, Daman and Diu.”;

(ii) in sub-section (5), for the words “of the Union territory of Pondicherry”, the words “of any Union territory” shall be substituted;

Short title and commencement.
Amendment of section 3.

20 of 1963.